Such legislation is justified under the police power as a protection of the public from either or both of two things: injurious food, and fraud. See (1918) 27 YALE LAW JOURNAL, 1079. The situation in the principal case is similar to that in the oleomargarine cases: a product admittedly healthful and good, needing in reason only to be fairly labelled to prevent fraud, falls under the ban of a statute which by prohibiting its sale treats it like a product deleterious to health. *Cf. Hammond Packing Co. v. Montana* (1914) 233 U. S. 331, 34 Sup. Ct. 596. There is authority for the position of the majority that although the statute may be open to criticism, its classification was not so wholly arbitrary and unadapted to the end sought as to warrant interference by the court. But the dissent argued strongly that no interference was necessary; that "Hebe" was not and did not purport to be condensed milk, and so fell outside the statute. It is difficult to see why this construction, which would both effectuate the legitimate purpose of the statute and further individual justice, should not have prevailed.

CONSTITUTIONAL LAW—WAR POWERS—TAKING OVER OF MARINE CABLES AFTER ARMISTICE.—By statute, Congress authorized the President to take over and operate for the duration of the war any marine cable or cables, if he should deem such action necessary to the national security and defense. A few days before the armistice was signed, the President issued a proclamation, authorizing the defendant, Postmaster-General Burleson, to take over the cables of the plaintiff and other companies. This proclamation was put into effect by the defendant after the armistice was signed. The plaintiff sued for an injunction, contending that the authority of the President ceased with the termination of hostilities; for then the national emergency which alone could justify the action was ended, and a subsequent taking over of the cables was not warranted. *Held,* that the armistice did not terminate the power vested in the President. *Commercial Cable Co. v. Burleson* (1919, U. S. D. C., S. D. N. Y.) 60 N. Y. L. J. 1271 (Jan. 20, 1919).

Granted that the Act is constitutional in that it enables the taking over of a public utility necessary to the successful conduct of the war, it is submitted that the principal case is correct in holding that the armistice does not terminate the power vested in the President. As the opinion points out, a mere cessation of hostilities is not the end of a war, nor is an armistice a treaty of peace; for hostilities may be resumed at any time. The power is vested in the President "during the continuation of the war." Consequently until the war is ended by a treaty or proclamation, the power can be exercised even if the cessation of actual hostilities has made its exercise of doubtful expediency. For a discussion of the constitutionality of similar legislation see Blewett Lee, *Constitutional Objections to the Railway Control Act* (1918) 28 YALE LAW JOURNAL, 158.

COURTS—APPELLATE JURISDICTION OF SUPREME COURT—SUIT AGAINST UNITED STATES.—The plaintiff brought suit in a federal district court to collect from the United States hire of a ship for two charter periods. A judgment for one period only was affirmed by the Circuit Court of Appeals, and the plaintiff took a writ of error to the Supreme Court. *Held,* that the Circuit Court of Appeals was without jurisdiction, since the judgment of the district court, acting as a court of claims, was reviewable only directly by the Supreme Court. *J. Homer Fritch, Inc. v. United States* (1919) 39 Sup. Ct. 158.

This case settles a point of appellate jurisdiction about which there had been a diversity of opinion among the lower federal courts. As Chief Justice White